

**TOWN OF BENNETT, COLORADO**  
**BOARD OF TRUSTEES**  
**Regular Meeting**  
**March 10, 2020**

---

**1. CALL TO ORDER**

The Board of Trustees of the Town of Bennett met in regular session on Tuesday, March 10, 2020 at the Bennett Town Hall, 207 Muegge Way, Bennett, Colorado. Mayor Royce Pindell called the meeting to order at 7:03 p.m. The following persons were present upon the call of the roll:

Mayor: Royce Pindell

Trustees Present: Darvin Harrell  
Neal Mancuso  
Charles Bayley  
Rich Pulliam  
Larry Vittum  
Phyllis Webb - *Excused*

Staff Present: Trish Stiles, *Town Administrator*  
Rachel Summers, *Deputy Town Administrator*  
Taeler Houlberg, *Assistant to the Town Administrator*  
Gerilynn Scheidt, *Town Safety Officer*  
Steve Hebert, *Town Planner and Economic Development Manager*  
Dan Giroux – *Town Engineer*  
Melinda Culley – *Kelly P.C. – Town Attorney*  
Lynette White, *Town Clerk, MMC*  
Christina Hart – *Town Clerk Pro Tem*

Public Present: Steven Vetter, Whitney Oakley, Steve Danbroski, John Vitella, Daniel Watts

**2. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Mayor Royce Pindell.

**3. APPROVAL OF AGENDA**

MAYOR PRO TEM PULLIAM MOVED, TRUSTEE MANCUSO SECONDED to approve the agenda as amended by removing Item 8 #a; Events and Communication Department Progress Report from the agenda. The agenda was approved as amended. The Mayor declared the motion carried by unanimous vote.

**4. CONSENT AGENDA**

TRUSTEE VITTUM MOVED, TRUSTEE MANCUSO SECONDED to approve the Consent Agenda.

YES: Bayley, Harrell, Pindell, Pulliam, Vittum, Mancuso

NO: None

EXCUSED: Webb

The Mayor declared the motion carried by unanimous vote

**A. Approval of Minutes**

1. Action: Approval of February 24, 2020 Regular Meeting Minutes

**B. Resolution No. 812-20**

1. Action: Prophylaxis Clinic Site Mutual Aid Agreement
2. Action: Approval of Resolution No. 812-20, A Resolution Approving a Prophylaxis Clinic Site Mutual Aid Agreement with Tri-County Health Department.

**5. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA**

There were no public comments not presented on the agenda.

**6. REGULAR BUSINESS**

**A. Action/Discussion**

**1. Proclamation – Judge Shawn Day**

Christina Hart, Town Clerk Pro-Tem, reported to the board that Judge Shawn Day has been the Bennett Municipal Court Presiding Judge since March 2010. Ms. Hart reported to the board that Staff recommends to declare March 10, 2020 as Judge Shawn Day Day. Ms. Hart introduced Judge Day to the Board of Trustees.

Judge Shawn Day expressed his gratitude, honor and privilege to serve as the presiding Judge for the Bennett Municipal Court for the last 20 years. Judge Day recalled his first appearance at the old Town Hall in which he was provided with a card table and chair. Judge Day thanked the Board of Trustees for the Proclamation and stated he would continue as the appointed presiding Judge of the Bennett Municipal Court.

Mayor Pindell presented the official Proclamation to Judge Shawn Day.

**7. PUBLIC HEARING**

**A. Town of Bennett 2019 Budget Amendment**

Mayor Royce Pindell called the matter of the Town of Bennett 2019 Budget Amendment, a public hearing Appropriating Sums of Money in addition to those Appropriated in Resolution No. 738-18 for the Fiscal Year for the Town of Bennett General Fund. The public hearing was opened at 7:10 p.m.

Christina Hart, Town Clerk Pro-Tem, stated that in accordance with State Statute, notice of the public hearing was properly posted and published in the Eastern Colorado News, on February 4, 2020.

Danette Ruvalcaba, Finance Director, provided a statement to the Board of Trustees, Staff is requesting an Amendment to the 2019 budget for the general fund appropriation. The General Fund has \$220,000 for the purchase of a vacant property also known as the Owens Property.

Mayor Pindell closed the matter of the Town of Bennett 2019 Budget Amendment, a public hearing to Appropriate Sums of Money in addition to those Appropriated in Resolution 738-18 for the Fiscal Year for the Town of Bennett General Fund at 7:12 p.m.

TRUSTEE MANCUSO MOVED, TRUSTEE VITTUM SECONDED to approve Resolution No. 806-20 A Resolution Appropriating Sums of Money in Addition to those Appropriated in Resolution No. 738-18 for the 2019 Fiscal Year for the Town of Bennett General Fund. Voting was as follows;

YES: Bayley, Harrell, Mancuso, Pindell, Pulliam, Vittum  
NO: None  
EXCUSED: Webb

The Mayor declared the motion carried by unanimous vote.

**B. Case No. 19.06FDP – Muegge Farms Filing No. 4 Final Development Plan**

**Resolution 803-20 – A Resolution Approving a Final Development Plan for Muegge Farms Filing No. 4**

Mayor Royce Pindell called the matter of Case No. 19.06, a public hearing for the Muegge Farms Filing No. 4 Final Development Plan. The public hearings was opened at 7:13 p.m.

Christina Hart, Town Clerk Pro-Tem, stated that in accordance with State Statue, notice of the public hearing was properly posted and published in the Eastern Colorado News, on January 10, 2020 as legal no. 2301.

Steve Hebert, Town Planner and Economic Development Manager, explained the board would hear 1 public hearing tonight including 2 cases Case No. 19.06 Muegge Farms Filing No. 4 Final Development Plan and Case No. 19.07 Muegge Farms Filing No. 4 Final Plat. The property is located south of the Centennial Subdivision, southwest of the Bennett Town Hall and northwest of the Bennett Marketplace (King Soopers). The property was annexed into the Town of Bennett in 1984.

The Final Development Plan Filing No. 4 plans for 84.2 acres allowing for:

- 366 Single-Family detached homes lots; density of 6.7 dwelling units per acre
- Creation of 2 Pocket Parks
- Creation of open space
- 24 Acre Tract J; includes a water detention pond and future active park space; The park has space to accommodate 2 future soccer fields
- Community Garden
- Land dedication; 25-acre future school site
- Future fire department site
- Access to Highway 79 via a new Civic Center Drive and the construction of a new Muegge Street leading to Marketplace Drive.
- Operate on the Town of Bennett water and sewer system

Mr. Hebert presented a vicinity map to the Board of Trustees with an explanation of the development. The Outline Development Plan (ODP) sets aside a future Civic Center use, future school site and a future fire station location.

The area is zoned PA 4 and PA 5 residential. The property allows for single-family detached, single-family attached, and multi-family homes. The current proposal is for single-family detached homes. Oakwood Homes will offer two different style homes; The Carriage Home and American Dream will be the two model types offered.

The applicant and application are in compliance and meet the following guidelines of:

- Town of Bennett Comprehensive Plan
- Chapter 16 of Bennett Municipal Code; land use and development guidelines
- The Town of Bennett zoning and subdivision code
- The Muegge Farms ODP
- Town of Bennett design development guidelines

The Planning & Zoning Commission has recommended, favorably, the approval of Case No. 19.06 Muegge Farms Filing No. 4, Final Development Plan, on January 21, 2020, to the Board of Trustees.

Town Staff recommends approval of Case No. 19.06 Muegge Farms Filing No. 4 Final Development Plan with the condition the applicant makes minor modifications to the Final Development Plan as directed by Town Staff, Town Attorney, and Town Engineer i.e.: typo's, additional notes, etc.

**C. Case No. 19.07 – Muegge Farms Filing No. 4 Final Plat  
Resolution No. 2020-03 A Resolution Recommending Approval of a Final Plat for Muegge Farms  
Filing No. 4**

Steve Hebert, Town Planner and Economic Development Manager, reported to the board, the final plat documents capture the engineering findings regarding street size, location and radii of cul-de-sacs can accommodate fire truck turn around, as well as identifying parks are sized correctly, lots laid out clearly and concisely, street names and address plat, legal descriptions, etc.

Staff finds the proposed subdivision will form the first cohesive neighborhood in Muegge Farms, with two distinct housing types, incorporating parks, trails, sidewalks and well landscaped community entrances and amenities.

Muegge Farms final plat is designed to meeting the Town of Bennett utility and storm drainage standards. Utility easements will be established consistent with the standards of IREA, Colorado Natural Gas and other utilities.

The roadway design and construction standards meet Town requirements. Traffic generated by the proposed phase of development is in compliance with the Master Traffic Study prepared for the overall Muegge Farms development.

The Planning & Zoning Commission has recommended, favorably, the approval of Case No. 19.07 Muegge Farms Filing No. 4, Final Plat, on January 21, 2020, to the Board of Trustees.

Staff finds the proposed final plat is in compliance with the overall Subdivision Regulations in Chapter 16, Article IV of the Bennett Municipal Code. Staff also finds the plat has been processed according to Section 16.4.360 and meets the approval criteria in 16.4.380. Based upon these findings, staff recommends the Board of Trustees approve Case No. 19.07 – Muegge Farms, Filing No. 4 Final Plat, with the following conditions prior to the recording of the final plat:

- Update Plat notes related to easements and maintenance in a manner directed by the Town Engineer
- Execute a Subdivision Agreement (SA) in a form acceptable to the Town
- Convey Tract J (detention pond) to the Town of Bennett
- Acquire and record all off-site easements to accommodate all utilities necessary to serve Filing No. 4
- Provide an updated title commitment, dated no later than 30 days prior to submitting final documents for recording
- Make other minor modifications as directed by Town Staff, Town Engineer and Town Attorney

Jim Hayes, Oakwood Homes representative, Oakwood Homes was established in 1991; an estimated 30,000 homes have been developed by Oakwood Homes. The master plan developer for Green Valley Ranch as well as Reunion in Commerce City. Oakwood Homes has been acquired by Clayton Homes a subsidiarity of Berkshire Hathaway entity.

Layla Rosales, Terracina Design, advised the Muegge Farms build out will be in 4 phases. Each phase to consist of 100 homes. The parks will be designed to have a combination of age appropriate playground equipment. Phase one will include 2 points of access from Muegge Street. Phase 2 will continue the construction of Muegge Street through to Marketplace Drive.

The Carriage House and the American Dream are the two products offered by Oakwood Homes. The neighborhoods will have enhanced streetscapes, due to homes build around a motor court. The design places the front doors facing the street with a paved lined motor court leading to the garages. This will also limit curb cuts. Each home has a private fenced back yard. The metro district will maintain the open area outside of the homes.

The Carriage House model will have 149 home sites. It is the larger of the two products. Four to six homes will be arranged around the motor court. Each home will have a backyard. The Carriage House will provide 7 models. Each home offered is two or three stories and provides the consumer with an option of 1,200 to 2,200 sq. feet. The price will start in the low \$300k, offers 2 or 3 bedroom/bath models. The surface of the motor court proposed is pavers.

The American Dream is a home that is also configured around a motor court. This style also offers 7 models of two or three story homes with sq. footage ranging from 900 to 1,700 sq. feet. The model also offers options of two or three door garages. Guest parking is available off motor courts, private fenced yard. The metro district will maintain all areas outside of fenced yard. All homes include a balcony. Square footage ranges from 990 – 1,700 sq. feet, 2 or 4 bedroom options with 1 or 3 bathrooms, 1 and 2 car garages, are offered. These homes will start in the low \$200k.

Kevin Rorbough, Core Consultants Civil Engineer, spoke about the infiltration pond. It will be between 15-18' below current existing ground. The emergency flow will be directed to the northeast. All downstream residents will be protected. The designed pond has the ability to contain 3 – 100 year storms.

The Trustees asked the following questions:

Trustee Bayley:

- Parking allowances and restrictions regarding the motor court and streets; is guest parking allocated?

Trustee Mancuso:

- Inquired about the type of material that will be used under the pavers to stabilize and withstand the weight of vehicles

Trustee Harrell:

- Is there a time limit vehicles are allowed to park on the street?
- What is the distance of street width when cars are parked on the street; distance between vehicles?
- Will additional parking be allowed near the parks?
- What is the parking capacity at the future school site?

## **PUBLIC COMMENTS**

There were no public comments presents.

Mayor Pindell closed the matter of Case No. 19.06FDP – Muegge Farms Filing No. 4 Final Development Plan and Case No. 19.07FP – Muegge Farms Final Plat at 8:01 p.m.

MAYOR PRO-TEM PULLIAM MOVED, TRUSTEE MANCUSO SECONDED to approve Resolution No. 803-20 – A Resolution Approving a Final Development Plan for Muegge Farms, Filing No. 4. Voting was as follows;

YES: Bayley, Mancuso, Pindell, Pulliam,

NO: Vittum, Harrell

EXCUSED: Webb

The Mayor declared the motion carried by a vote of 4 ayes to 2 nays.

TRUSTEE MANCUSO MOVED, MAYOR PRO-TEM PULLIAM SECONDED to approve Resolution No. 804-20 – A Resolution Approving a Final Plat for Muegge Farms, Filing No. 4. Voting was as follows;

YES: Bayley, Mancuso, Pindell, Pulliam,

NO: Vittum, Harrell

EXCUSED: Webb

The Mayor declared the motion carried by a vote of 4 ayes to 2 nays.

**8. REGULAR BUSINESS**

**A. Action/Discussion**

**1. Subdivision Agreement for Muegge Farms, Filing No. 4**

Steve Hebert, Town Planning and Economic Development Manager, explained to the board the subdivision agreement requires the subdividers to enter into an agreement with the Town which requires the subdividers to design, install, pay for and warranty the streets, utilities, drainage improvements and other infrastructure needed to support subdivision developments. A subdivider is any entity which participates as the owner, developer or other party responsible for the platting of a subdivision.

The draft agreement includes, but is not limited to:

- Identification of the subdividers
- Construction standards, phasing plan and deadlines
- Conditional acceptance of improvements
- Final acceptance
- Financing and improvement guarantees
- Public land dedication

Melinda Culley, Town Attorney, highlighted there would be two subdividers included in the subdivision agreement. The first three phases of improvements will be completed by Clayton Homes and the final phase of improvement completed by MGV Investments. The amount of improvements totals approximately \$9.5 million dollars. Significant improvements include: Marketplace Drive and Muegge Street intersection upgrades, Civic Center Drive and Highway 79 intersection upgrades, construction of Muegge Street and Muegge Way extension. Specialized improvements (Exhibit C) will include: Construction of the Simon bypass sanitary sewer main will be the responsibility of the subdivider, the Town of Bennett will cover any construction costs above \$305,700. Town of Bennett will construct two wells, Laramie Fox Hills well, and paid for with water development fees. The lower well, Arapahoe Aquifer Well, to be constructed by Town of Bennett and paid for by subdivider, of which the subdivider will be reimbursed for costs thru a credit for a water development fee, per lot basis. The proposal of a non-potable water system is in discussions subdivider to pay \$350,000 to the Town towards improvement. The Town of Bennett will be responsible for construction of improvement.

The school land dedication requirements, 4.77 acres will be dedicated along with cash in lieu of approx. \$232,411.38 by the land builder, for school purposes. Section 4.1 of agreement. Dialogue will continue to put into effect an IGA between the school district and the Town of Bennett. The deed will be provided to the school district and payment will be phase by phase based on building permits.

Updated water rights agreement, Section 4.3 of agreement.

TRUSTEE BAYLEY MOVED, MAYOR PRO-TEM PULLIAM SECONDED to approve Resolution No. 811-20 – A Resolution Approving a Subdivision Agreement for Muegge Farms Filing No. 4. Voting was as follows;

YES: Bayley, Mancuso, Pindell, Pulliam, Harrell

NO: Vittum

EXCUSED: Webb

The Mayor declared the motion carried by a vote of 5 ayes to 1 nay.

## **6. TOWN STAFF COMMUNICATION**

### **Town Administrator**

Trish Stiles, Town Administrator, provided the following report;

- Tri-County Health Department will host a meeting on the CORONAVIRUS (COVID-19) Town Hall meeting in Castle Rock on March 11, 2020 from 7 – 8:30 pm.
- The Town response plan to the CORONAVIRUS (COVID-19) will follow the CDC guidelines regarding essential and non-essential staff. Communications are being set up to keep the public informed. Process and procedures are being put into place for the safety of staff and the public i.e.: staff working remotely, washing hands, social distance, disinfecting work stations, door handles, etc. on a daily basis.
- New number regarding speeding on McKinley Street; no more speeding, but the area will continue to be monitored.
- Town Board Orientation is scheduled for March 13, 2020 from 9 am – 2pm in the Community Room at Town Hall
- The Incoming/Outgoing Town Board of Trustees Reception will be on April 14<sup>th</sup>, 2020 beginning at 6:00 pm at Town Hall.
- Trustee Vittum and Ms. Stiles attended the ADCOG Transportation Forum February 26, 2020
- Ms. Stiles invited Trustee Vittum to attend the Arapahoe Sub Regional Forum – March 26, 2020, in her absence

### **Deputy Town Administrator**

Rachel Summers, Deputy Town Administrator spoke about the following;

- Smart Sheets is a spreadsheet program providing the ability to implement updates to the Town Strategic Plan
- Israel water plant is running and functional.
- Attended Public Works Institute, scheduled to attend seven, 2-day sessions by September 2020 to graduate. Will test to acquire Public Works Certified Management, Supervisor and Director Accreditation.

### **Town Clerk**

Lynette White, Town Clerk - MMC;

- Ms. White spoke to the board of a new opportunity presented by Ms. Summers to join the Town Economic Development Team, which she shared her enthusiasm. Ms. White will continue to coordinate with the Clerk's Office offering her knowledge, experience, support and resources. Ms. White expressed her gratitude and honor to serve the board and will continue to support her community and staff. Ms. Stiles acknowledged what Ms. White means to the community she serves, being a member of the community she has been a part of for 30+ years.

**7. TRUSTEE COMMENTS AND COMMITTEE REPORTS**

**Charles Bayley**

Trustee Bayley provided the following report:

- The BennT Water Authority meeting was postponed due to certain uncompleted documents. The attorneys are reviewing the documents. Nothing substantial to report.

**Larry Vittum**

Trustee Vittum provided the following report;

- Trustee Vittum attended the March 19 DRCOG meeting. SB-1152 Transportation District; Trustee Vittum suggested Mayor Pindell as an alternate to attend DRCOG meeting due to Trustee Vittum being term-limited.

**Royce Pindell**

Mayor Pindell provided the following report;

- Adams County and Arapahoe County breakfast scheduled March 20<sup>th</sup>.

**ADJOURNMENT**

TRUSTEE MANCUSO MOVED, MAYOR PRO TEM PULLIAM SECONDED to adjourn the meeting. The Mayor declared the motion carried by unanimous vote. The meeting was adjourned at 9:40 p.m.



\_\_\_\_\_  
Royce D. Pindell, Mayor

*Christina Hart*

\_\_\_\_\_  
Christina Hart  
Town Clerk Pro Tem  
Town of Bennett